

Notice of Allowability

Application No.

10/696,678

Examiner

Ha D. Ho

Applicant(s)

KMICIKIEWICZ, MAREK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/7/04.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 29 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/865,764.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This Office Action is responsive to Applicant's Amendment filed on 9/07/04.
2. Claims 1-10 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

Examiner agrees with Applicant's arguments regarding claim 1.

The prior art of record does not disclose or render obvious a motivation to provide for a continuously variable power split transmission system as defined by the limitations of claim 1, including a first motor connected to a sun gear of a planetary gear set, a countershaft connected to a ring gear of the planetary gear set through a first clutch, a second motor connected to the countershaft, a sun that is linked to the sun gear connected to the countershaft through a speed variator, and an output shaft connected to a carrier of the planetary gear set, wherein the power input from the first motor is split into two streams, one stream passing through the speed variator to the countershaft and the ring gear, and the other stream passing directly through the sun gear, and the power input from the second motor adds power to the output shaft through the countershaft while reducing the power flow required to pass through the speed variator.

There is no teaching of the claimed continuously variable power split transmission that has a second motor connected to a countershaft as required by the limitations of claim 1. Yada'462 shows a first motor (1) connected to a sun shaft (2) that is linked to a sun gear (4) of a planetary gear set (4, 5, 6), a second motor (8) having a motor output shaft, which can be interpreted as a countershaft, connected to a ring gear (5) of the planetary gear. However, that

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motor output shaft is not connected to the sun shaft (2) through a speed variator and connected to the ring gear (5) of the planetary gear set through a clutch as required by the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Applicant's response filed 9/07/04 overcomes the drawing objections.
5. Any inquiry concerning this communication should be directed to Examiner HO at telephone number (703) 305-0738.

HDH
(703) 305-0738
September 29, 2004

Hea Ho
HAHO
PRIMARY EXAMINER

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9/29/04